

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12 and 2013 Iowa Acts, House File 355, the Iowa Department of Transportation, on September 11, 2013, adopted amendments to Chapter 601, "Application for License," Chapter 604, "License Examination," Chapter 605, "License Issuance," and Chapter 630, "Nonoperator's Identification," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the August 7, 2013, Iowa Administrative Bulletin as **ARC 0894C**. These amendments were also Adopted and Filed Emergency, effective July 9, 2013, and were published in the August 7, 2013, Iowa Administrative Bulletin as **ARC 0895C**.

2013 Iowa Acts, House File 355, section 1, amends Iowa Code section 321.196 and allows the Department to excuse certain persons from a vision screen or submission of a vision report in order to allow for electronic (online) renewals.

These amendments allow the Department to implement electronic renewal of driver's licenses for persons between the ages of 18 and 70 and nonoperator's identification cards for persons 18 and older on an every-other-renewal basis.

Item 1 provides that a person who renews a driver's license electronically shall destroy the previous driver's license upon receipt of the renewed license.

Item 2 provides an exception for persons to electronically renew their driver's licenses. A person is not required to complete a vision screen or submit an acceptable vision report.

Item 3 provides that the Department may determine means or methods for renewing a driver's license electronically and sets forth the criteria a person must meet to be eligible to renew a driver's license electronically.

Item 4 provides that the Department may determine means or methods for renewing a nonoperator's identification card electronically and sets forth the criteria a person must meet to be eligible to renew a nonoperator's identification card electronically. The amendment also confirms in rule existing practice regarding surrender of prior driver's licenses or nonoperator's identification cards and provides that a person who renews a nonoperator's identification card electronically shall destroy the previous nonoperator's identification card upon receipt of the renewed nonoperator's identification card.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

One change was made from the Notice of Intended Action and the Adopted and Filed Emergency. In Item 3, subparagraph 605.25(7)"a"(1), the maximum age a person could be to apply for electronic renewal of a driver's license was corrected to read "not yet 70."

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 321.196 as amended by 2013 Iowa Acts, House File 355, section 1.

These amendments will become effective November 6, 2013, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

The following amendments are adopted.

ITEM 1. Amend rule 761—601.2(321) as follows:

761—601.2(321) Surrender of license and nonoperator's identification card. An applicant for a driver's license shall surrender all other driver's licenses and nonoperator's identification cards. This includes those issued by jurisdictions other than Iowa. An applicant who renews a driver's license electronically pursuant to 761—subrule 605.25(7) shall destroy the previous driver's license upon receipt of the renewed driver's license.

This rule is intended to implement Iowa Code section 321.182.

ITEM 2. Amend rule 761—604.10(321) as follows:

761—604.10(321) Vision screening.

604.10(1) to 604.10(3) No change.

604.10(4) *Exception for persons renewing electronically.* An applicant renewing a driver's license electronically pursuant to 761—subrule 605.25(7) is not required to complete a vision screen or submit a vision report to complete the renewal. This subrule does not preclude the department from requiring a vision screen or vision report of a person who has renewed a driver's license electronically when the department has reason to believe that the person is not capable of operating a motor vehicle safely.

This rule is intended to implement Iowa Code sections 321.186, 321.186A and 321.196 as amended by 2013 Iowa Acts, House File 355, section 1.

ITEM 3. Amend rule 761—605.25(321) as follows:

761—605.25(321) License renewal.

605.25(1) to 605.25(6) No change.

605.25(7) The department may determine means or methods for electronic renewal of a driver's license.

a. An applicant who meets the following criteria may apply for electronic renewal:

(1) The applicant must be at least 18 years of age but not yet 70 years of age.

(2) The applicant completed a satisfactory vision screen or submitted a satisfactory vision report under 761—subrules 604.10(1) to 604.10(3) and updated the applicant's photo at the applicant's last issuance or renewal.

(3) The applicant's driver's license has not been expired for more than one year.

(4) The department's records show the applicant is a U.S. citizen.

(5) The applicant's driver's license is not marked "valid without photo."

(6) The applicant is not seeking to change any of the following information as it appears on the applicant's driver's license:

1. Name.

2. Date of birth.

3. Sex.

(7) The applicant's driver's license is a Class C noncommercial driver's license, a Class D noncommercial driver's license (chauffeur), or Class M noncommercial driver's license (motorcycle) that is not a special license or permit, a temporary restricted license, or a two-year license.

(8) The applicant is not subject to a pending request for reexamination.

(9) The applicant does not wish to change any of the following:

1. Class of license.

2. License endorsements.

3. License restrictions.

(10) The applicant is not subject to any of the following restrictions:

G—No driving when headlights required

J—Restrictions on the back of card

T—Medical report required at renewal

P—Special instruction permit

Q—No interstate or freeway driving

R—Maximum speed of 35 mph

b. The department reserves the right to deny electronic renewal and to require the applicant to personally apply for renewal at a driver's license examination station if it appears to the department that the applicant may have a physical or mental condition that may impair the applicant's ability to safely operate a motor vehicle, even if the applicant otherwise meets the criteria in 605.25(7) "a."

c. An applicant who has not previously been issued a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as further defined in 6 CFR Part 37 (a REAL ID license) may not request a REAL ID driver's license by electronic renewal.

This rule is intended to implement Iowa Code sections 321.186 and 321.196 as amended by 2013 Iowa Acts, House File 355, section 1, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 4. Amend rule 761—630.2(321) as follows:

761—630.2(321) Application and issuance.

630.2(1) to 630.2(9) No change.

630.2(10) The department may determine means or methods for electronic renewal of a nonoperator's identification card.

a. An applicant who meets the following criteria may apply for electronic renewal:

- (1) The applicant must be at least 18 years old.
- (2) The applicant updated the applicant's photo at the applicant's last issuance or renewal.
- (3) The applicant's nonoperator's identification card has not been expired for more than one year.
- (4) The department's records show the applicant is a U.S. citizen.
- (5) The applicant's nonoperator's identification card is not marked "valid without photo."
- (6) The applicant is not seeking to change any of the following as it appears on the applicant's

nonoperator's identification card:

1. Name.
2. Date of birth.
3. Sex.

b. An applicant who has not previously been issued a REAL ID nonoperator's identification card may not request a REAL ID nonoperator's identification card by electronic renewal.

630.2(11) An applicant for a nonoperator's identification card shall surrender all other driver's licenses and nonoperator's identification cards, other than a temporary permit held under Iowa Code section 321.181. This includes any driver's licenses or nonoperator's identification cards issued by jurisdictions other than Iowa. An applicant who renews a nonoperator's identification card electronically pursuant to 630.2(10) shall destroy the previous nonoperator's identification card upon receipt of a renewed nonoperator's identification card.

[Filed 9/12/13, effective 11/6/13]

[Published 10/2/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/2/13.